

# **EXHIBIT A**

## **Declaration of Kidon Martin**

**DECLARATION OF KIDON MARTIN**

I, **Kidon Martin**, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I am currently employed as line cook/chef and have been so employed for about two years. In this capacity, I know Giovanni DiPalma.

3.

I am aware of the Department of Labor Investigation that began sometime around July or August 2014.

4.

At no time has Mr. DiPalma told me that he wanted me to lie to the Department of Labor Investigators.

5.

At no time have I witnessed Mr. DiPalma instructing an employee that he wanted him or her to lie to the Department of Labor Investigators.

6.

At no time has Mr. DiPalma told me he wanted me to leave the premises because he did not want me to speak to a Department of Labor Investigator.

7.

At no time have I witnessed Mr. DiPalma instructing another employee to leave the premises because Mr. DiPalma did not want the employee to speak to the Department of Labor Investigators.

8.

At no time has Mr. DiPalma threatened to fire or deport me because of or based on his belief that I have spoken with a Department of Labor Investigator or participated in a Department of Labor investigation.

9.

At no time have I witnessed Mr. DiPalma threaten to fire or deport an employee because of or based on his belief that that employee has spoken with a Department of Labor Investigator or participated in a Department of Labor investigation.

10.

At no time has Mr. DiPalma instructed me to tell the Department of Labor that I work fewer hours than I actually do, or to lie about the number of hours I worked.

11.

At no time have I witnessed Mr. DiPalma instructing another employee to tell the Department of Labor that they work fewer hours than they actually do, or lie about the number of hours they worked.

12.

At no time has Mr. DiPalma ever told me to lie about who my employer is.

13.

At no time have I witnessed Mr. DiPalma instructing any employee to lie about who their employer is.

14.

At no time have I been intimidated or afraid that I will be fired for cooperating with the Department of Labor's investigation.

15.

At no time have my wages been delayed or withheld because Mr. DiPalma believed that I was participating in the Department of Labor investigation.

16.

At no time has Mr. DiPalma told me he was going to call the immigration authorities to report former employees because Mr. DiPalma believed they called the Department of Labor.

17.

To my knowledge, I do not know of anyone who has been terminated by Mr. DiPalma because he believed those employees spoke with the Department of Labor investigators or participated in the Department of Labor investigation.

18.

At no time have I seen Mr. DiPalma get in a physical altercation with an employee.

19.

On or around August 30, 2014, I was working in the cafe at Gio's Chicken and overheard a loud discussion between Mr. DiPalma and Maura, a lead server. I heard Mr. DiPalma ask Maura where her daughter Wendy was. I heard Maura tell Mr. DiPalma she did not know where her daughter was. I believe that Javier, Wendy's husband's, had a baptism that weekend because Maura had been talking to employees about Javier's baptism for weeks. I believed Javier and Wendy were gone because they were preparing for the baptism.

20.

I understood that Mr. DiPalma believed Wendy and Javier were scheduled to work over Labor Day weekend, which is why he was asking about them. I understood Mr. DiPalma was very concerned that two of his employees were not at Antico Pizza for the busy Labor Day weekend, and especially because on any Friday or Saturday, it's all staff on deck. This is particularly true for vital employees, like Javier. I believed that Maura was lying to Mr. DiPalma and that she did know where Wendy and Javier were, because Maura, Wensus, Wendy, and Javier are a close-knit family.

21.

After Mr. DiPalma spoke with Maura, I saw Mr. DiPalma talking with Wensus, Maura's husband. I believed that they were also discussing where Wendy and Javier were. I then saw Mr. DiPalma leave the kitchen. A few minutes later, I saw Wensus call Maura over and have a quick discussion between each other. Maura then grabbed her pocketbook and they left. As they were leaving, Maura shook her finger at Terrance and then at me, and said something in Spanish towards us. I do not know what she said, but I don't believe it was very nice. I believed Maura and Wensus had quit.

22.

I have never seen Mr. DiPalma, during that argument, or at any other time, drag Maura or Wensus by the arm, or get physical with Maura or Wensus in any way.

23.

A week or so after the August 30th discussion, Ms. Swopes, the Department of Labor Investigator, called me to ask about the discussion between Maura, Wensus, and Mr. DiPalma. I told her that I had overheard the discussion, and that Maura and Wensus walked out. She asked me why Maura and Wensus got fired. I told her that they were not fired, but that they walked

out. Ms. Swopes never asked me if the argument involved the Department of Labor investigation. Had she done so, I would have told her that the argument had nothing to do with the investigation.

24.

It is my opinion that Wensus was a lazy worker and that Maura was difficult to work with. Additionally, Maura never called me by my name despite the fact that I told her what it was several times. Instead, she insisted on calling me "negrito." I have come to learn that term means "blackie" in Spanish, which I personally find offensive. Maura called other employees by their names. I never told Mr. DiPalma about Maura's name for me. I believe that despite the fact that Wensus and Maura were difficult employees, Mr. DiPalma did not fire Maura and Wensus because Wensus had worked for him for a long time and Mr. DiPalma values his employees and is very loyal to them.

25.

Since I have worked for Mr. DiPalma and Gio's Chicken, there has been very low turnover of employees. I believe the reason for this is because Mr. DiPalma treats all of his employees like they are his family. We also get paid well, and I personally get paid much better than I ever have at any of my previous jobs. Also, Mr. DiPalma trusts his employees and gives them the benefit of the doubt. Both my wife and I have told Mr. DiPalma that me working for him has changed my family's life for the better.

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26.

I have read the accusations that Mr. DiPalma interfered with the Department of Labor investigation, including claims that he retaliated, threatened, or terminated employees for cooperating with the Department of Labor, and I think those accusations are completely false and ludicrous.

**PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.**

Executed this 5th day of October, 2014 in Atlanta, Georgia.

  
Kidon Martin